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8 BEFORE THE
BOARD OF REGISTERED NURSING
9 DEPARTMENT OF CONSUMER AFFAIRS
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No.

2011-46

12 ETHAN EARL THOMPSON
224 Nieto Avenue, #1
13 Long Beach, CA 90803

ACCUSATION

14 Registered Nurse License No. 608173

15 Respondent.

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18 Complainant alleges:

19 PARTIES

20 1. Louise R. Bailey, M.Ed., R.N. (Complainant) brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing.

22 2. On or about October 16, 2002, the Board of Registered Nursing (Board) issued
23 Registered Nurse License Number 608173 to Ethan Earl Thompson (Respondent). The
24 Registered Nurse License was in full force and effect at all times relevant to the charges brought
25 herein and will expire on May 31, 2012, unless renewed.

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Accusation:

1 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
2 thereof.”

3 REGULATORY PROVISIONS

4 7. California Code of Regulations, title 16, section 1444, states in part:

5 “A conviction or act shall be considered to be substantially related to the qualifications,
6 functions or duties of a registered nurse if to a substantial degree it evidences the present or
7 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
8 safety, or welfare.”

9 COST RECOVERY

10 7. Section 125.3 provides, in pertinent part, that the Board may request that the
11 administrative law judge direct a licensee found to have committed a violation or violations of
12 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
13 enforcement of the case.

14 FIRST CAUSE FOR DISCIPLINE

15 (Convictions of Substantially-Related Crimes)

16 8. Respondent is subject to disciplinary action under section 2761, subdivision (f), in
17 conjunction with California Code of Regulations, title 16, section 144, in that Respondent has
18 been convicted of the following crimes, each of which is substantially related to the
19 qualifications, functions, and/or duties of a registered nurse.

20 a. On or about October 14, 2009, after pleading nolo contendere, Respondent was
21 convicted of one misdemeanor count of violating Penal Code section 647, subdivision (f) [public
22 intoxication] in the criminal proceeding entitled *The People of the State of California v. Ethan*
23 *Earl Thompson* (Super Ct. Los Angeles County, 2009, No. 9LG02588). The underlying arrest
24 occurred on or about August 29, 2009, when officers of the Long Beach Police Department
25 observed Respondent engaging in an aggressive street fight with another male while intoxicated,
26 and continuing to fight after an off-duty police officer identified himself and ordered Respondent
27 to stop fighting. Subsequent breathalyzer tests yielded blood-alcohol content level results of 16%
28 and .17%.

1 b. On or about December 7, 2009, after pleading guilty, Respondent was convicted of
2 one misdemeanor count of violating Vehicle Code section 23152, subdivision (a) [driving while
3 under the influence]; and one misdemeanor count of violating section 23152, subdivision (b)
4 [driving with a blood-alcohol content level greater than .08%.] in the criminal proceeding entitled
5 *The People of the State of California v. Ethan Earl Thompson* (Super. Ct. Los Angeles County,
6 2009, No. 09WM04552). Respondent was sentenced to 55 days in jail, and placed on five years
7 of formal probation. He was also ordered to complete an 18-month multiple offenders' alcohol
8 education program. The underlying arrest occurred on or about February 13, 2009, when
9 Respondent drove while intoxicated, fell asleep behind the wheel, and drove into a parked trailer.

10 c. On or about July 3, 2007, after pleading guilty, Respondent was convicted of one
11 misdemeanor count of violating Vehicle Code section 23152, subdivision (b) [driving with a
12 blood-alcohol content level greater than .08%] in the criminal proceeding entitled *The People of*
13 *the State of California v. Ethan Earl Thompson* (Super. Ct. Los Angeles County, 2007,
14 No.07WM03069). Respondent was place informal probation for three (3) years, with terms and
15 conditions that included obeying all laws, and not driving with a measurable level of alcohol in
16 his blood. The underlying arrest occurred on or about December 19, 2006, when officers pulled
17 Respondent over for erratic driving and observed him to be impaired. Respondent's three-year
18 probationary period was originally scheduled to terminate on or about July 3, 2010, however, it
19 was revoked on or about December 9, 2009, because Respondent's subsequent July 3, 2007
20 conviction in Case No. 09WM03069 constituted a violation of the terms of his parole in this
21 case, Case No. 07WM03069.

22 d. On or about November 22, 1993, after pleading nolo contendere, Respondent was
23 convicted of violating Vehicle Code section 23103 [reckless driving] in the criminal proceeding
24 entitled *The People of the State of California v. Ethan Earl Thompson* (Super. Ct. Los Angeles
25 County, 1993, No. 93L07963). The underlying arrest occurred on or about October 18, 1993.

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